

**REMARKS**

Claims 1-12 are presently under consideration in the application. Favorable reconsideration of the application is respectfully requested in view of the following.

Applicants initially wish to affirm their previous oral election of Group I (claims 1-12) without traverse.

***I. REJECTION OF CLAIMS 1-12 UNDER 35 USC §103(a)***

Claims 1-12 stand rejected under 35 USC §103(a) based on Nakakado et al. in view of Ruehl. Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Applicants note that Nakakado et al. was published on January 16, 2003. The present application was filed on October 14, 2003, or after the publication date of Nakakado et al.

On the other hand, applicants note that the present application claims priority to Japan Patent Application No. 2002-301647 filed on October 16, 2002. Submitted herewith is a verified translation of the priority document Japan Patent Application No. 2002-301647. Applicants hereby perfect their claim to priority back to October 16, 2002, which predates the January 16, 2003 publication date of Nakakado et al. Accordingly, Nakakado et al. is no longer a valid reference under 35 USC §102(a).

Applicants note that Nakakado et al. was filed on March 12, 2003, or prior to the October 14, 2003 filing date of the present application. In the event the Examiner feels Nakakado et al. qualifies as a reference under one or more of subsections (e), (f) and (g) of §102, applicants further note the following: the subject matter of Nakakado et al. and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely

Zuiko Corporation. Accordingly, Nakakado et al. is not a reference which can preclude patentability under 35 USC §103.

For at least the above reasons, applicants respectfully submit that Nakakado et al. is not a valid reference. Applicants respectfully request withdrawal of the rejection of claims 1-12.

## **II. CONCLUSION**

Accordingly, all claims 1-12 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP  
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/Mark D. Saralino/

Mark D. Saralino  
Reg. No. 34,243

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The Keith Building  
1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
(216) 621-1113

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